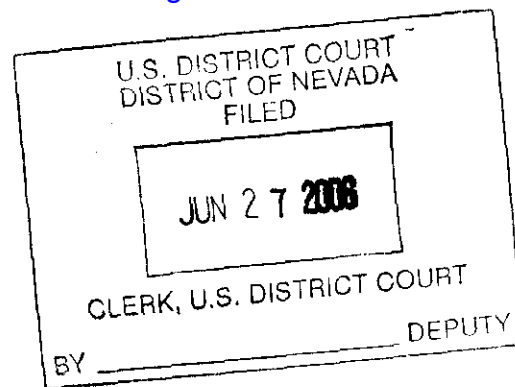


SCOTT KANVICK  
Name  
N.S.P. P.O. BOX 607  
CARSON CITY, NV. 89702  
Address  
88169  
Prison Number



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SCOTT KANVICK,  
Plaintiff,  
  
vs.  
  
CITY OF RENO, POLICE, et al,  
Officer A. ELGS,  
Officer MILLER,  
Officer KNIGHT,  
CITI-CENTER APARTMENTS,  
Defendant(s).

CASE NO. 3:06-CV-00058  
(To be supplied by the Clerk)

FIRST AMENDED  
CIVIL RIGHTS COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983

JURY TRIAL DEMANDED

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, SCOTT KANVICK,  
(print Plaintiff's name)  
who presently resides at N.S.P. P.O. BOX 607 CARSON CITY, NV. 89702, were  
(mailing address or place of confinement)  
violated by the actions of the below named individuals which were directed against  
Plaintiff at RENO, NV.  
(institution/city where violation occurred)  
6-29-04, 7-15-04, and 6-29-04  
(Count I) (Count II) (Count III)

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

- 2) Defendant OFFICER A. ELGS resides at 155 E. SECOND ST. RENO, NV.  
(full name of first defendant) (address of first defendant)  
and is employed as POLICE OFFICER. This defendant is sued in his/her  
(defendant's position and title, if any)  
XX individual XX official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: This Officer acted under the Oppression Standard and in Collusion  
to falsely imprison Plaintiff and violate Due Process of Law.
- 3) Defendant OFFICER MILLER resides at 155 E. SECOND ST RENO ,NV.  
(full name of first defendant) (address of first defendant)  
and is employed as POLICE OFFICER. This defendant is sued in his/her  
(defendant's position and title, if any)  
XX individual XX official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: Officer acted in Collusion to Falsely Imprison Plaintiff and to  
use Cruel and Unusual Punishment against him to intimidate, harass and threaten him.
- 4) Defendant OFFICER KNIGHT resides at 155 E. SECOND ST. RENO, NV.  
(full name of first defendant) (address of first defendant)  
and is employed as POLICE OFFICER. This defendant is sued in his/her  
(defendant's position and title, if any)  
XX individual XX official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: This Officer was the transporting Officer whom also Falsely  
Imprisoned Plaintiff while abusing him physically without justification to do so.
- 5) Defendant CITI-CENTER APARTMENTS resides at 160 SINCLAIR ST. RENO, NV.  
(full name of first defendant) (address of first defendant)  
and is employed as Residential Night Manager. This defendant is sued in his/her  
(defendant's position and title, if any)  
XX individual XX official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: This Employee of the Apartments where Plaintiff lived, had  
him arrested without just cause.



1 whereas he was placed in a hot Police van in the summer heat upon instruction  
2 of the first Defendant, which had no ventilation or air-conditioning from  
3 which the Plaintiff had requested more air before the drive of which, he  
4 sat for an excessive amount of time in the hot heat to extort a confession  
5 as the transporting Officers were hostile and aggressive from Plaintiff  
6 protesting his innocence. Plaintiff was also given an excessive amount of  
7 bail to the alleged crimes by the officers . Then, Plaintiff **was** denied  
8 his due process rights to review the probable cause affidavit as there was  
9 none, and was denied to see the first magistrate upon his first pre-liminary  
10 hearing as Plaintiff demanded to invoke that right.

11 On the second pre-liminary date of continuation in front of the Justice's  
12 Court Magistrate , the case was dismissed without prejudice as the Plaintiff  
13 was released from custody and without compensation for his time after serving  
14 over a month in jail.

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### COUNT I

The following civil right has been violated: Fourth and Fourteenth Amendment to Search and Seizure, False Imprisonment.

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Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff had been passing through the lobby of his apartments when Reno Police Officers questioned him to his identity. Plaintiff produced ample identification and stated he lived in apartment 247, on the second floor, of which the resident night manager had called police and pointed the finger at Plaintiff for a domestic disturbance which had happened prior to Plaintiff's arrival. The night manager stated to Police that residents had witnessed Plaintiff and his girlfriend were fighting or had been fighting and that anonymous persons could attest to the acts, yet no witness reports were taken or witnesses produced for verification of identity or to any criminal acts, as the Police did no investigative work and had only taken the night managers word for the alleged acts after the night manager concluded Plaintiff was going to be evicted anyhow. This is when Officers accosted, unlawfully restrained and falsely imprisoned Plaintiff by way of being subjected to an unlawful search, not just a pat search of his person and effects. Where, while acting in concert with the night manager at Citi-Center ants., the police without warrant or probable cause or any other legal process harmed Plaintiff in his person as he lost his job and place of residence due to the incident where Police racked up the charges as an excessive amount of bail, upon arrest.

These acts were also in front of other residents going in and out of the front lobby area, whereas the residential night manager over dramatized the alleged

(Continued next page)

1 incident. was loud, aggressive and concluded that he, "Dealt with this  
2 sort of thing all the time." in a very provoking mannerism, while Plaintiff  
3 suffered in humiliation from people , as the overly excited night  
4 manager stated his accusations without iustification or merit for  
5 his actions.

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## COUNT II

The following civil right has been violated: Fifth and Fourteenth Amendment  
to Due Process and Equal Protection to Due Process.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff was denied Due Process as there was no Due Process as to a Probable Cause Affidavit to the arrest, nor was it signed by a Magistrate. There were no witnesses or lawful proceedings as Plaintiff's GERSTEIN Hearing was held at the Washoe County Jail during video arraignment, which was well over a 48 hr. period, then delayed further as the criminal complaint had not yet been filed. The pre-liminary hearing was then set for July 15th, 2004. The Bailiff of the Reno Justice Court postponed the pre-liminary hearing once again, as it was not continued by Plaintiff's counsel or Plaintiff, in which the Plaintiff had a right to see the Justice's Court Magistrate that day. He demanded to invoke that right, yet was returned to custody and denied that right. The next pre-liminary hearing was scheduled for July 28th, 2004 on calendar, of which on the first initial appearance in front of the Justice's Court Magistrate, the case was Dismissed after Plaintiff sat in jail, losing his place of residence and place of employment from the malicious prosecution of Plaintiff by Police Officers, unjust confinement of an innocent man and vindictive nature of Police.

### COUNT III

The following civil right has been violated: Eighth and Fourteenth Amendment  
to be free from Cruel and Unusual Punishment.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

In order to get Plaintiff to confess, arresting Officers stuck Plaintiff in  
an old University of Nevada, Reno Police van which smelled like old feet, was hot  
with no air conditioning or ventilation. The transport Officers Miller and Knight  
stated, "The sooner you tell us what happened, the sooner we can get you to jail.  
When he stays in there awhile, he'll be ready to talk." or words to that effect,  
as Plaintiff sat in the heat of the van during shift change, at the Reno Police  
Department for an extensive amount of time as Plaintiff sweated profusely wearing  
jeans and a button down shirt.

Plaintiff was then delivered to the Washoe County Jail via the 1980's Police  
van as it sped up the freeway with a broken shock mount, along corners and along  
straightaways wildly to torment Plaintiff as he protested his innocence and asked  
for air of some sort, in which he was punished mentally and physically, acting under  
color of law from which Plaintiff has suffered from night sweats, loss of sleep  
and more back pain from a prior injury which was made worse from Officer Miller and  
Knight's lack of due care from acting under color of law, creating deliberate  
indifference and continual medical treatment.

### D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF



- 1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? xx Yes \_\_\_ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline).

- a) Defendants: Nevada Department of Corrections
- b) Name of court and docket number: U.S. District Court CV-03-0402
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):  
Pending
- d) Issues raised: Civil Rights
- e) Approximate date it was filed: July 2003
- f) Approximate date of disposition: N/A

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted**? \_\_\_ Yes xx No. If your answer is "Yes", describe each lawsuit. (If you have had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline).

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_ frivolous  
\_\_\_ malicious or \_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): ☐ frivolous  
☐ malicious or ☐ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): ☐ frivolous  
☐ malicious or ☐ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) ☐ disciplinary hearing; (2) ☐ state or federal court decision; (3) ☐ state or federal law or regulation; (4) ☐ parole board decision; or (5) ☐ other Filed Claim with the City of Reno.
- If your answer is "Yes", provide the following information. Grievance Number \_\_\_\_\_
- Date and institution where grievance was filed October 2005
- Response to grievance: Denied

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**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

Plaintiff prays for judgment in the amount of total damages to him from all  
Defendants, jointly and severally, for all declaratory and exemplary and  
compensatory damages from all parties totaling \$750,000.00, for his costs therein  
expended and for all just and proper relief as aforesaid.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Plaintiff


(Name of person who prepared or helped  
prepare this complaint if not Plaintiff)

  
(Signature of Plaintiff)

6-19-06  
(Date)

-----  
(Additional space if needed; identify what is being continued)

I do certify that I mailed a true and correct copy of the foregoing document(s), FIRST AMENDED CIVIL COMPLAINT  
(CV-3:06-00058),  
to the address(es) hereinbelow on this 22ND day of JUNE,  
2006, by placing same into the hands of Prison Staff for posting in the United States Mail pursuant to NRCP 5(b):  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
400 S. VIRGINIA ST. ROOM 301  
RENO, NV. 89501  
Counsel for

  
\_\_\_\_\_  
Scott Kanvick, DOC# 88869  
Nevada State Prison  
P.O. Box 607  
Carson City, NV 89702-0607

[illegible]